

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. WALKER et al.)
For: SYSTEM AND METHOD FOR)
MAILING LIST TESTING SERVICE)
)
) Examiner: Not Yet Assigned
Serial No.: Not Assigned) Group Art Unit: Not Assigned
)
Filing Date: Not Assigned) Docket No.: WD2-98-092

JC511 U.S. PTO
09/267489

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**Assistant Commissioner for Patents
Washington, D.C. 20231**

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U.S. Patent No. 4,603,232 entitled "RAPID MARKET SURVEY COLLECTION AND DISSEMINATION METHOD" issued to Lawrence G. Kurland et al on July 29, 1986.
- B. U.S. Patent No. 4,752,675 entitled "METHOD OF COLLECTING RESPONSE DATA FROM DIRECT MAIL ADVERTISING" issued to Karl D. Zetmeir on June 21, 1998.
- C. U.S. Patent No. 5,634,101 entitled "METHOD AND APPARATUS FOR OBTAINING CONSUMER INFORMATION" issued to Robert A. Blau on May 27, 1997.
- D. U.S. Patent No. 5,682,429 entitled "ELECTRONIC DATA INTERCHANGE POSTAGE EVIDENCING SYSTEM" issued to Robert A. Cordery et al. on October 28, 1997.
- E. U.S. Patent No. 5,793,972 entitled "SYSTEM AND METHOD PROVIDING AN INTERACTIVE RESPONSE TO DIRECT MAIL BY CREATING PERSONALIZED WEB PAGE BASED ON URL PROVIDED ON MAIL PIECE" issued to Terence Martin Shane on August 11, 1998.
- F. U.S. Patent No. 5,794,210 entitled "ATTENTION BROKERAGE" issued to A. Nathaniel Goldhaber et al. on August 11, 1998.
- G. U.S. Patent No. 5,805,810 entitled "APPARATUS AND METHODS FOR CONVERTING AN ELECTRONIC MAIL TO A POSTAL MAIL AT THE RECEIVING STATION" issued to Robert L. Maxwell on September 8, 1998.
- H. WO No. 97/23838 entitled "SYSTEM AND METHOD FOR PROVIDING SHOPPING AIDS AND INCENTIVES TO CUSTOMERS THROUGH A COMPUTER NETWORK" issued to Michael C. Scroggie et al. on July 3, 1997.
- I. WO No. 97/24678 entitled "APPLICATION INDEPENDENT E-MAIL SYNCHRONIZATION" issued to Chu-Yi Huang et al. on July 10, 1997.
- J. Jane Hodges, "HOLDING E-MAIL ACCOUNTABLE", (<http://www.acxiom>), Copyright Date January/February 1997.
- K. Ken Magill, "DMI ROLLS OUT ACXIOM PREFERRED MAIL", (<http://www.acxiom>), Copyright Date October 13, 1997.

- L. "ACXIOM PREFERRED MAIL GENERATES DRAMATIC INCREASE IN DIRECT MARKETING RESPONSE RATES", (<http://web.lexis-nexis.com>), Copyright Date October 6, 1997.
- M. "ARE CONSUMERS, BUSINESSES READY FOR E-MAIL MARKETING?", (<http://www.acxiom.com>) Copyright Date November 1997.
- N. "ACXIOM/DIRECT MEDIA, INC. OFFERS COMPLETE SOLUTION FOR INTERNET DIRECT MARKETERS; COMPANY PROVIDES "ONE-STOP-SHOPPING" FOR INTERNET DM CAMPAIGN MANAGEMENT", (<http://web.lexis-nexis.com>) Copyright Date May 11, 1998.
- O. "POSTAL PRODUCTS", (<http://www.acxiom.com>) Download Date November 30, 1998.
- P. "MERGE PURGE SERVICES", (<http://www.acxiom.com>) Download Date November 30, 1998.
- Q. "NATIONWIDE DATA SERVICES", (<http://www.acxiom.com>) Download Date February 25, 1999.
- R. "AAA BEST MAILING LISTS", (<http://www.bestmailing.com>) Downlaod Date February 25, 1999.

1. [] Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior [] Continuation, [] Divisional or [] Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. [] For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. [] For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. [] In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. [x] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - [] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - [] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
 - [x] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- [] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - [] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - [] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. [] I hereby certify:

- [] that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- [] that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. [] Please accept payment of the fees due as indicated below:

- [] A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- [] The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- [] A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- [] The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.
12. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,



Dean Alderucci
Attorney for Applicants
PTO Reg. No. 40,484
Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905
(203) 705-3006
(203) 595-8266 (fax)

March //, 1999

Date